

FILED

JAN 22 2019

PETER A. MOORE, JR., CLERK
 US DISTRICT COURT, EDNC
 BY [Signature]
 DEP CLK

United States District Court
 Eastern District of North Carolina
 Western Division

Case No. 5:19-CT-3027

(To be filled out by Clerk's Office only)

HIRAM MARTIN FARMER

9613
 Inmate Number

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Officer B. Ransom, Officer J. O. Rodriguez
Deputy S. C. LEONARD, Officer Pagan, Cpl. McMAHON
Officer Moon, SGT. SHORT, Officer Collier

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

COMPLAINT

(*Pro Se* Prisoner)

Jury Demand?

Yes

No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for prose prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

HIRAM MARTIN FARMER

Name

9613

Prisoner ID #

New Hanover Detention Center

Place of Detention

3950 Juvenile Center Road

Institutional Address

CASHe Hayne

City

NC

State

28429

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee State Federal
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Officer B. Ransom

Name

Wilmington Police official

Current Job Title

615 Bear Street

Current Work Address

Wilmington

NC

28401

City

State

Zip Code

Capacity in which being sued: Individual Official Both

Defendant 2:

Officer J.O. Rodriguez

Name

Wilmington Police official

Current Job Title

615 Bear Street

Current Work Address

Wilmington

NC

28401

City

State

Zip Code

Capacity in which being sued: Individual Official Both

Defendant(s) Continued

Defendant 3:

Name

Deputy S.C. Leonard

Current Job Title

New Hanover Police officer

Current Work Address

Castle Hayne

NC

28429

City

State

Zip Code

Capacity in which being sued: Individual Official Both

Defendant 4:

Officer Pagan

Name

New Hanover Police officer

Current Job Title

3950 Juvenile Center Road

Current Work Address

Castle Hayne

NC

28429

City

State

Zip Code

Capacity in which being sued: Individual Official Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Tommy's MINI MART, 815 Greenfield St, Wilmington, NC 28401

Date(s) of occurrence: Tuesday November 13th 2018

State which of your federal constitutional or federal statutory rights have been violated:

Eighth Amendment - Use of excessive force

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who did what to you? On Tuesday of November 13th 2018 approximately 5:36 pm the plaintiff and two acquaintances were traveling to the mini mart store called (Tommy's) on greenfield street #815. I observed two officers talking to some homeless people on the sidewalk. officers Rodriguez & officer Ransom. The Plaintiff and his two Companions had a laugh with the officers about messing with the homeless people. The plaintiff entered the mini mart store and once the plaintiff exited the store he observed his mother walking in the direction of the two officers and began speaking with these officers.

The plaintiff's mother began to speak loudly and I believed she said my name. Officer Ransom approached the plaintiff and stated that "Her mother stated that she wanted him committed to the mental ward in the hospital. the plaintiff said that he had done nothing to warrant being committed, why is his mother trying to do this. Officer Ransom then grab the plaintiff's arm which was already broken but still fractured from a prior, Incident.

What
happened
to you?

Officer Leonard began to twist my arm that was broken/factured and I yell out in pain and tried to push him off of my fractured arm and was yelling that my is broken, yet he continue to twist. I began to just swing punches I was in so much pain then he grab me in a choke hold and began punching me repeatedly in the face while on the ground. I was fased and shocked by someone else. The choke cut off my breathing supply and I began to hyperventilate and about to black out or die but officer Leonard would not let up. Then I felt kicks and stamps to my body and I guess I passed out. I found out I was beaten by several officers because someone video recorded the event on their cell phones. Officer Pagan was involved also in this event as well as, Cpl. Mc Mahon, Officer Moon, Supervisor Officer SGT Short, CSI S. Stanley and Officer Collier.

When did it
happen to
you?

On November 13th 2018

Where did it
happen to
you?

AT Tommy's MINI MART 815 Greenfield Street
Wilmington North Carolina 28401

What was
your
injury?

I was punched repeatedly in the face, abrasions on the face. Refractured broken arm, face wounds, back injury Concussion from ~~the~~ blow to the head unable to use right hand. Scratches, Swelling of Head and arms body Soreness from begin kicked in the body and leg black & Blue bruises on my body, I could not sleep for days after this incident due to body and Head pain.

I was not taken back to see a Doctor or anything about my injurer especially my arm, a wrist. This incident went viral and my mother was on the news talking to reporters about the beating I suffered and the incident.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? Yes No

If no, explain why not:

I filed a complaint ~~about~~ about
this incident in the Jail Kisok

Due to my being incarcerated

New Hanover County Jail

Filed 12/7/18 resolved 12/14/18 by K. LEE

Is the grievance process completed?

Yes No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like to seek compensatory and punitive damages for the unnecessary beating that was inflicted upon me by these officers on this incident. I was unjustifiably beaten as a declaration that acts or omissions described herein show the violation of my rights under the Constitution and law of the United States. This was a callous and malicious act upon me that clearly shows a violation of a person and citizen. It clearly establishes conduct that a reasonable person could objectively see.

see attached

I was beaten and punched and stomped and I was defenseless having only one arm. How much resistance can I really put up against trained officers also after being tortured.

Therefore I seek Compensatory Damages of \$500,000 dollars & I seek \$500,000 in punitive damages. It wasn't right what these officers done to me, also any additional relief the Court deems Just, proper and equitable.

I hereby certify under the Penalty of perjury that all the foregoing is true and correct to my knowledge.

Name HIRAM M. FARMER

Signature H.F.

Date JAN 11th 2019

New Hanover Detention Center
3950 Juvenile Center Road
Carrie Hayne NC 28429

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal *in forma pauperis* in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

Yes No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
 - Nature of claim made
 - How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
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IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

JANUARY 11 2019

Dated

71-7

Plaintiff's Signature

HIRAM MARTIN FARMER

Printed Name

9613

Prison Identification #

3950 Juvenile Ctr Road

Prison Address

Castle Haynes

City

N.C.

State

28429

Zip Code